

READY FOR DECLARATION - M. Caroff (7/2/97)  
 PTO-850 (Rev. 9-27-95) INTERFERENCE INITIAL MEMORANDUM  
 BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:

This interference involves 2 parties

Count # 103952

PARTY BLUMBERGEN et al	SERIAL NO. 081097, 563	FILING DATE 7/27/93	PATENT NO., IF ANY 5,462,983	ISSUE DATE, IF ANY 10/31/95
If application has been patented, have maintenance fees been paid? Yes No Maintenance fees not due yet				
*Accorded the benefit of:				
COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
The claim(s) of this party which correspond(s) to this count is(are): PATENTABLE CLAIMS 1-i3 UNPATENTABLE CLAIMS				
The claim(s) of this party which does(do) not correspond to this count is(are): PATENTABLE CLAIMS UNPATENTABLE CLAIMS				

PARTY RIMSA et al	SERIAL NO. 081367, 370	FILING DATE 12/30/94	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If application has been patented, have maintenance fees been paid? Yes No Maintenance fees not due yet				
*Accorded the benefit of:				
COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
US	07/995,237	12/22/92		
US	07/957,924	10/07/92		
The claim(s) of this party which correspond(s) to this count is(are): PATENTABLE CLAIMS 86-99 UNPATENTABLE CLAIMS				
The claim(s) of this party which does(do) not correspond to this count is(are): PATENTABLE CLAIMS UNPATENTABLE CLAIMS				

Instructions

- For every patent involved in the interference, check if the fees have been paid by using the patent number with the PALM screen CR06.  
If fees are due and they have not been paid, the interference cannot be declared since it would involve an expired patent.  
(35 USC 135(a); 37 CFR 1.606).
  - For each party, separately identify the patentable and unpatentable claims which correspond to the count.  
(37 CFR 1.601 (f), 1.601 (n), 1.609(b)(2)).
  - For each party, separately identify the patentable and unpatentable claims which do not correspond to the count (37 CFR 1.609(b)).
  - Forward all files including those the benefit of which is being accorded.
  - Keep a copy of the Interference Initial Memorandum and any attachments for your records.
- All information requested below must be attached on (a) separate sheet(s) and type-written.
- On a separate sheet, set forth a single proposed interference count. If any claim of any party is exactly the same word for word as this count, please indicate the party, application or patent number, and the claim number.
  - For each claim designated as corresponding to the count, provide an explanation of why each claim defines the same patentable invention (37 CFR 1.609(b)(2)).
  - For each claim designated as not corresponding to the count, provide an explanation of why each claim defines a separate patentable invention (37 CFR 1.609(b)(3)).
  - For each additional count, if any, repeat steps 2-6 and, additionally, provide an explanation why each count represents a separate patentable invention from every other count (37 CFR 1.609(b)(1)).

DATE 6/16/97	PRIMARY EXAMINER (Signature) Patricia C. Shurt	TELEPHONE NO. 308-2395	ART UNIT 1501
DATE	GROUP DIRECTOR SIGNATURE (if required)		

\*The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application if there are intervening applications necessary for continuity.

THIS PAGE CAN BE DUPLICATED IF THERE ARE MORE THAN TWO INTERFERING PARTIES



Proposed Interference Count

Count 1

m/k  
1/2/97

1. A moldable composition comprising a compatible thermoplastic blend of a biodegradable, predominately amorphous, hydrophobic, water-repellant, starch ester having a degree of substitution of about 1.0 to about 2.5DS and a biodegradable polyester selected from the group consisting of poly ( $\epsilon$ -caprolactone), <sup>or poly(6-caprolactone)</sup> poly (lactic acid) or polylactide, poly (glycolic acid) or polyglycolide, poly (hydroxybutyric acid), poly (hydroxyisobutyric acid), poly (hydroxy valeric acid), poly (hydroxybutyrate-co-valerate), poly (hydroxy alkanoates), and aliphatic biodegradable polyesters.

Serial No. 08/367,370

- Claim 86 It would have been obvious to use the molding composition in the count to make products conventionally prepared from starch esters and polyesters such as film.
- Claim 87 It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 88 It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 89 It would have been obvious to use a starch ester having a degree of substitution within the range recited in the count.
- Claim 90 It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 91 It would have been obvious to use an art recognized plasticizer for starch esters and polyesters for its intended purpose in the composition of the count.
- Claim 92 It would have been obvious to use an art recognized plasticizer for starch esters and polyesters for its intended purpose in the composition of the count.
- Claim 93 The claim is drawn to a composition that is essentially the same as the count.
- Claim 94 It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 95 It would have been obvious to use an art recognized filler for starch esters and polyesters for its intended purpose in the composition of the count.
- Claim 96 It would have been obvious to use the molding composition in the count to make products conventionally prepared from starch esters and polyesters.
- Claim 97 It would have been obvious to use the molding composition in the count to make products conventionally prepared from starch esters and polyesters using conventional molding steps of heating and shaping.
- Claim 98 It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 99 It would have been obvious to use an art recognized plasticizer for starch esters and polyesters for its intended purpose in the composition of the count.

- Claim 1      It would have been obvious to use the molding composition in the count to make products conventionally prepared from starch esters and polyesters such as film.
- Claim 2      It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 3      It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 4      It would have been obvious to use a starch ester having a degree of substitution within the range recited in the count.
- Claim 5      It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 6      It would have been obvious to use an art recognized plasticizer for starch esters and polyesters for its intended purpose in the composition of the count.
- Claim 7      It would have been obvious to use an art recognized plasticizer for starch esters and polyesters for its intended purpose in the composition of the count.
- Claim 8      The claim is drawn to a composition that is essentially the same as the count.
- Claim 9      It would have been obvious to select known starches for use in preparing the starch ester in the composition of the count.
- Claim 10     It would have been obvious to use an art recognized filler for starch esters and polyesters for its intended purpose in the composition of the count.
- Claim 11     It would have been obvious to use the molding composition in the count to make products conventionally prepared from starch esters and polyesters.
- Claim 12     It would have been obvious to use the molding composition in the count to make products conventionally prepared from starch esters and polyesters such as film using a conventional film forming process.
- Claim 13     It would have been obvious to use the molding composition in the count to make products conventionally prepared from starch esters and polyesters using conventional molding steps of heating and shaping.